

EXHIBIT 26

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, SPRING VALLEY BRANCH, JULIO
CLERVEAUX, CHEVON DOS REIS; ERIC GOODWIN; JOSE
VITELIO GREGORIO; DOROTHY MILLER; HILLARY
MOREAU; AND WASHINGTON SANCHEZ,

Plaintiffs,
Index No.:
17-CV-8943

vs

EAST RAMAPO CENTRAL SCHOOL DISTRICT and
MARYELLEN ELIA, In Her Capacity as the
Commissioner of Education of the State of New
York,

Defendants.

-----X

21 Remsen Avenue
Monsey, New York 10952
December 19, 2018
12:01 p.m.

EXAMINATION BEFORE TRIAL of HERSH
HOROWITZ, the Non-Party Witness in the
above-entitled action, taken on behalf of the
Plaintiff, held at the above time and place,
and taken before Dorene Glover, a reporter and
Notary Public within and for the State of New
York.

JOB NUMBER: 152530

1
2 H E R S H H O R O W I T Z ,

3 the witness herein, having first been affirm by

4 a Notary Public of the State of New York, was

5 examined and testified as follows:

6 EXAMINATION BY

7 MR. MANGAS:

12:03

8 Q. Please state your name for the
9 record.

12:03

12:03

10 A. Hersh Horowitz.

12:03

11 Q. Please state your address.

12:03

12 A. 21 Remsen Avenue, Monsey, New York
13 10952.

12:03

12:01

14 Q. Good afternoon, my name is Russell
15 Mangas. I represent the plaintiffs in this
16 case. Can you please state your full name for
17 the record?

12:01

12:01

12:01

12:01

18 A. Hersh Horowitz.

12:01

19 Q. And have you ever been deposed
20 before, Mr. Horowitz?

12:01

12:01

21 A. No.

12:01

22 Q. So I'll give you a couple of --
23 just a belief explanation of a couple of things
24 that may help us through the day.

12:01

12:01

12:01

25 First of all, I'm going to try to

12:01

1 HOROWITZ

2 Freilich to Rabbi Oshry? 02:15

3 A. Again, I don't recall exactly what 02:15

4 happened here. Reading this I'm thinking about 02:15

5 it, I do know for a fact that -- so let me go 02:16

6 back. You asked Rabbi Oshry, what makes him 02:16

7 popular, another point I forgot to mention 02:16

8 about him, he's called Shadchan, 02:16

9 S-H-A-D-C-H-A-N, that's a Yiddish word. I 02:16

10 don't know what to describe. 02:16

11 MR. BUTLER: Matchmaker. 02:16

12 A. So that makes the answer of what 02:16

13 makes him popular. That making him popular 02:16

14 anybody that's such a Shadchan is usually a 02:16

15 popular person. It's usually a person that has 02:16

16 a loud mouth but somebody that talks a lot of 02:16

17 somebody, that knows a lot of people. Somebody 02:16

18 that's popular within the community. 02:16

19 Q. Why was it important for someone 02:16

20 who wanted to run for the school board to talk 02:17

21 to Rabbi Oshry? 02:17

22 A. I'm not going too say it was 02:17

23 important did I write that it's important for 02:17

24 him to talk to him. I didn't actually write 02:17

25 that. I didn't write that. 02:17

1 HOROWITZ

2 Q. Was it not important? 02:17

3 A. I didn't say that it's important 02:17
4 for him. 02:17

5 Q. I'm not saying that you said that. 02:17
6 What I'm doing is asking you, Mr. Grossman 02:17
7 said, "I know someone who'd like to run for on 02:17
8 the board seats, who should I connect him to. 02:17
9 You said Rabbi Oshry will call him." Why was 02:17
10 it important for him to connect to? 02:17

11 A. I don't know that it was important 02:17
12 for him to talk to him. I didn't say that. I 02:17
13 said that I would connect him to Rabbi Oshry. 02:17
14 So that means obviously that I took the 02:17
15 information and gave it to Rabbi Oshry to call 02:17
16 him. 02:17

17 Q. Why did you give his information to 02:17
18 Rabbi Oshry? 02:18

19 A. He said that he wants to run. As I 02:18
20 said Rabbi Oshry, is a popular person. I do 02:18
21 know for a fact that Rabbi Oshry was Mr. 02:18
22 Freilich's matchmaker. So very likely that's 02:18
23 why I said, you know, he's knows him. Let him 02:18
24 talk to him. Rabbi Oshry's a popular person 02:18
25 and will help a lot of people. That's why I 02:18

1 HOROWITZ

2 sent him to him. 02:18

3 Q. So I'm just asking if the context 02:18
4 of running for the school board seat, how could 02:18
5 Rabbi Oshry help him? 02:18

6 A. He can -- 02:18

7 MR. DOBERMAN: Off the record. 02:18

8 (Whereupon, an off-the-record 02:18
9 discussion was held.) 02:18

10 A. He can give him advice, support, he 02:18
11 can do a lot of things. 02:18

12 Q. What kind of support could Rabbi 02:19
13 Oshry give to Mr. Freilich? 02:19

14 A. What type of support? I think he 02:19
15 can give him probably moral support. 02:19

16 Q. So your understanding is that when 02:19
17 Mr. Grossman asked if you -- who he should 02:19
18 connect someone to that wanted to run for the 02:19
19 school board. You're understanding of that was 02:19
20 who should you connect him to for moral 02:19
21 support? 02:19

22 A. I don't exactly know. I don't 02:19
23 remember. This is going back a year ago or 02:19
24 more. But I can imagine it can be for a number 02:19
25 of things. Was it prior, was it after being a 02:19

1 HOROWITZ

2 candidate. I don't know exactly what the story 02:19
3 here was but I just said -- I will connect him 02:19
4 to Rabbi Oshry. 02:19

5 Q. Why did you say you would connect 02:19
6 him to Rabbi Oshry? 02:19

7 A. I don't know. 02:20

8 Q. So let me ask this: Did you 02:20
9 actually provide Mr. Freilich's number to Rabbi 02:20
10 Oshry? 02:20

11 A. I don't remember. 02:20

12 MR. MANGAS: I'm going to ask you 02:20
13 again, if he doesn't remember, he can 02:20
14 testify that he doesn't remember, 02:20
15 please. I don't need -- you can object 02:20
16 to form foundation but I don't need you 02:20
17 to give him advice. 02:20

18 MR. DOBERMAN: You're completely 02:20
19 misunderstanding his testimony but 02:20
20 that's fine. 02:20

21 Q. Do you know if Rabbi Oshry and Mr. 02:20
22 Freilich ended up connecting about running for 02:20
23 the school board? 02:21

24 A. No idea. 02:21

25 Q. Let's move down, same page, move 02:21

1 HOROWITZ

2 down a little more than halfway down the page. 02:21

3 There's a series of messages on March 9th, 02:21

4 2017. I'll go ahead and give you a second to 02:21

5 read those. 02:21

6 A. Okay. 02:21

7 Q. On March 9th, 2017, at 12:40 p.m. 02:22

8 Mr. Grossman messages you and says, do we know 02:22

9 who are the candidates are this year. You 02:22

10 respond and say, Harry Grossman. 02:22

11 MR. DOBERMAN: Just want to make 02:22

12 sure it's reflected in the transcript 02:22

13 that the communication is, do we know 02:22

14 who are, A-R-E, our candidates are this 02:22

15 year. I think you said our. I heard 02:22

16 you say our. 02:22

17 MR. MANGAS: I didn't mean to but 02:22

18 good clarification. 02:22

19 Q. You respond and then you respond, 02:22

20 again, and you say Oshry has been busy with it 02:22

21 and he has four people for the other two seats. 02:22

22 Last I spoke, he hasn't decided yet. I will 02:22

23 check with him again today; do you see that? 02:23

24 A. Yes. 02:23

25 Q. What did you mean by Oshry has been 02:23

1 HOROWITZ

2 busy with it? 02:23

3 A. I don't remember exactly. You're 02:23

4 going into detailed conversation. This is not 02:23

5 that I put in my head and thought what am I 02:23

6 going to respond, how am I going to respond to 02:23

7 him, I told him now, what I knew, what -- I 02:23

8 don't remember exactly. You're asking me now 02:23

9 about this. This is not part of so much that I 02:23

10 am busy with. He was just, you know, putting 02:23

11 me like a middle person here I see and so I 02:23

12 don't know exactly. You want to ask me what 02:23

13 Oshry has been busy with, you got to ask Oshry. 02:23

14 Honestly, I don't know. 02:23

15 Q. Fair enough and I understand this 02:23

16 was a year ago. What I'm trying to figure out 02:23

17 is, you know, you suggest Oshry as a contact 02:23

18 you described. He's been busy with these four 02:23

19 people for two board seats. I'm trying to 02:23

20 understand what Rabbi Oshry's role is in the 02:24

21 campaign for school board. 02:24

22 A. Okay. 02:24

23 Q. Let me just ask that question: 02:24

24 What is Rabbi Oshry's role in the campaign for 02:24

25 school board? 02:24

1 HOROWITZ

2 A. I don't know his exact role in this 02:24
3 school board. I don't know that he has an 02:24
4 exact specific role. I do know that he helps 02:24
5 out a lot. He's involved in certain things. 02:24
6 To know the exact best is approaching him and 02:24
7 asking him such a certainty someone who has 02:24
8 been involved. 02:24

9 Q. Does he select the candidates that 02:24
10 will run for the school board election? 02:24

11 A. I don't know. I can't say that, 02:24
12 no. I don't know that he selects candidates. 02:24

13 Q. What did you mean when he said -- 02:24
14 when you said, "Oshry has four people for the 02:24
15 other two seats." Then you say, "last I spoke 02:24
16 he hasn't decided yet." 02:24

17 A. It could be that I was talking to 02:24
18 Oshry at that time. That's what he said, so, I 02:25
19 conveyed that message. I don't remember. 02:25

20 Q. Let me ask you -- I understand 02:25
21 you're saying you don't specifically remember 02:25
22 what you may hear but in general, did he have a 02:25
23 role in selecting who would run for the school 02:25
24 board? 02:25

25 A. He's somewhat involved. General 02:25

1 HOROWITZ

2 elections, he helps out. I don't know his 02:25
3 role, what he does. 02:25

4 Q. When you say, I will check with him 02:25
5 again today, do you recall whether you checked 02:25
6 with Rabbi Oshry last year about who the 02:25
7 candidates for the other two boards would be? 02:25

8 A. Honestly, no. 02:25

9 Q. Honesty is all I can ask for. 02:25

10 A. I don't remember. 02:26

11 Q. If we look at the very next message 02:26
12 in the chain on March 9th, 2017, Mr. Grossman 02:26
13 writes, "one month away." You respond, "that's 02:26
14 early for us." 02:26

15 What did you mean by that? 02:26

16 A. The way I'm reading this whole text 02:26
17 now, he was bugging me, sorry to say that. I 02:26
18 tried pushing him off. Get off my back. So I 02:26
19 said you have one month. Leave me alone that's 02:26
20 the way I'm reading it now. 02:26

21 Q. I'll read the two next messages. 02:26
22 You also say, usually do this a day prior to 02:26
23 dead line then. Then you say in your next 02:26
24 message, last year he collected all signatures 02:26
25 on the last day it was due; do you see that? 02:26

HOROWITZ

I N D E X

EXAMINATION BY

PAGE

MR. MANGAS

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HOROWITZ

E X H I B I T S

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HOROWITZ

C E R T I F I C A T E

STATE OF NEW YORK)

ss.:

COUNTY OF BRONX)

I, DORENE GLOVER, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such examination is a true record of the
testimony given by that witness.

I further certify that I am not related
to any of the parties to this action by blood
or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 22nd day of December, 2018.



DORENE GLOVER